

City Council Agenda

Council President

Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan
City Manager
Daniel G. Hobbs

City Clerk
Rebecca E.
Klisch, CMC

Henry T. Perea
Cynthia Sterling
Larry Westerlund
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

February 15, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and Channel 14 beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor Fahrney of the Cross Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Resolution of Commendation to the Budget Division of the Finance Department – Mayor Autry

Proclamation of "AMERICAN HEART ASSOCIATION'S GO RED FOR WOMEN DAY" – Mayor Autry and Councilmember Duncan

Proclamation of "ANTHONY EDWARDS DAY" – Councilmembers Sterling and Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of February 8, 2005

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

- A. Approve Lease Agreement and first modification of the lease agreement between the City and Children's Musical Theaterworks (CMT) – PR&CS
Action Taken:
- B. * Approve agreement with the Fresno Metropolitan Flood Control District for cooperation, joint use and land tenure and operation of drainage basin "AL" for use as a public park – PR&CS
Action Taken:
- C. * **RESOLUTION** - Approving Cooperative Agreement No. 06-1253 with the California Department of Transportation for Freeway 180 east from Clovis to Temperance Avenues and authorizing the Public Works Director or his designee to sign the agreement on behalf of the City of Fresno – Public Works Dept.
Action Taken:
- D. * **RESOLUTION** - 61st amendment to AAR No. 2004-209 appropriating \$330,000 from the UGM Traffic Signal Fee Fund for engineering design and purchase of traffic signal poles for eleven (11) UGM traffic signal capital projects ***(Requires 5 affirmative votes)*** – Public Works Dept.
Action Taken:
- E. * **RESOLUTION** - Approving the reallocation of \$413,700 from the Clovis Avenue widening project (Kings Canyon to McKinley) for various federally-funded street, traffic signal and trail projects – Public Works Dept.
Action Taken:
- F. Approve Amendment No. 2 to agreement with Quad Knopf, Inc., for additional professional engineering services for the design of the Shaw and West Avenues intersection improvement and Shaw and Feland Avenues bus bay projects – Public Works Dept.
Action Taken:
- G. Approve participation in the Pacific Gas and Electric (PG&E) Vendor Upstream Incentive Program within the Fresno Energy Savings Alliance Financial Incentive Agreement and authorize execution of related documents – General Services Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- H. **RESOLUTION** – Approving the Final Map of Tract No. 5370 and accepting dedicated public uses therein and authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- I. **RESOLUTION** – Endorsing Ken Nerland as a Nominee for the American Public Works Association's "Top Ten Public Works Leaders of the Year Award" - Personnel Dept.
Action Taken:
- J. Approve Councilmember Sterling's appointment of Gene Richards to represent District 3 and reappointment of Nancy Ellis by Councilmember Perea to represent District 7 to the Bicycle and Pedestrian Advisory Committee for the period of January 1, 2005 to December 31, 2007 - Councilmembers Sterling and Perea
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. **BILL - (For introduction)** - Amending the Fresno Municipal Code related to the City administrative hearing procedures, selection of hearing officers, and the cost and penalty recovery ordinance and administrative citation procedures – City Attorney's Office
Action Taken:

3. **CITY COUNCIL**

- A. Consider and set terms for City-appointed members of the Chaffee Zoo Non-Profit Board – Councilmember Boyajian
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:10A.M.

PUBLIC COMMENT PERIOD – REDEVELOPMENT AGENCY AND CITY COUNCIL - No Council or Agency action except to place on future agenda. Presentation limited to three (3) minutes:

- A. **SCHEDULED COMMUNICATION**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. Information update by Melinda Marks, Executive Officer of the San Joaquin River Conservancy on its activities and achievements – Councilmember Calhoun

9:45 A.M. Historic Preservation – Planning and Development Dept.

1. Consider nominations to the Local Register of Historic Resources
 - a. * **RESOLUTION** - Designating J.M. Menend/Murray Ice Cream Company Building, 175 Fulton Street (District 3), to the Local Register of Historic Resources
Action Taken:
 - b. * **RESOLUTION** - Designating W. P. Cutting Flats 2-16 North San Pablo Avenue (District 3), to the Local Register of Historic Resources
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M. HEARING regarding Community Facilities District No. 2, Annexation No. 86, Final Tract Map No. 5265 – Public Works Department

Action Taken:

- a. **RESOLUTION** - Directing preparation of a modified Engineer's Report analyzing impact of proposed increase in special tax and modifying Resolution of Intention 2005-11
Action Taken:
- b. **RESOLUTION** - Receiving the modified Engineer's Report and modifying Resolution of Intention 2005-11
Action Taken:
- c. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 86, Final Tract Map No. 5265 and authorizing the levy of a special tax
Action Taken:
- d. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- e. **RESOLUTION** – Declaring election results
Action Taken:
- f. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 86, Final Tract Map No. 5265
Action Taken:

10:05 A.M. HEARING regarding Community Facilities District No. 2, Annexation No. 87, Final Tract Map No. 5259 – Public Works Department

Action Taken:

- a. **RESOLUTION** - Directing preparation of a modified Engineer's Report analyzing impact of proposed increase in special tax and modifying Resolution of Intention 2005-10
- b. **RESOLUTION** - Receiving the modified Engineer's Report and modifying Resolution of Intention 2005-10
- c. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 87, Final Tract Map No. 5259 and authorizing the levy of a special tax
Action Taken:
- d. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- e. **RESOLUTION** – Declaring election results
Action Taken:
- f. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 87, Final Tract Map No. 5259
Action Taken:

10:10 A.M.#1 HEARING regarding Community Facilities District No. 2, Annexation No. 89, Final Tract Map No. 4544 – Public Works Department

Action Taken:

- a. **RESOLUTION** - Directing preparation of a modified Engineer's Report analyzing impact of proposed increase in special tax and modifying Resolution of Intention 2005-9
- b. **RESOLUTION** - Receiving the modified Engineer's Report and modifying Resolution of Intention 2005-9
- c. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 89, Final Tract Map No. 4544 and authorizing the levy of a special tax
Action Taken:
- d. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
- e. **RESOLUTION** – Declaring election results
Action Taken:
- f. * **BILL** – Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 89, Final Tract Map No. 4544
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:10 A.M.#2 RESOLUTION - Approving the Final Map of Tract No. 4544 and accepting dedicated public uses therein and authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary document – Planning and Development Dept.

Action Taken:

a. * **RESOLUTION** - 60th amendment to AAR No. 2004-209 appropriating the Subdivider's initial deposit for rights-of-way acquisition along N. Cornelia Avenue **(Requires 5 affirmative votes)**

Action Taken:

10:15 A.M. HEARING to consider resolution of public use and necessity for the acquisition of permanent easements and rights of way for public street purposes from the following parcels of real property located on E. Shaw Avenue at the intersection of First Street in the City of Fresno: APN 427-310-01 which is located at the southeast corner of Shaw and First Street and is owned by Equilon Enterprises, LLC ; APNs 418-091-22 & 418-091-19 are adjacent parcels located at the northeast corner of Shaw and First Street and are owned by Friis-Hansen & Co., Limited Partnership **(Property located in District 4)** – Public Works Dept.

Action Taken:

a. * **RESOLUTION** - That the public interest and necessity require and authorize eminent domain for acquisition of permanent easements and rights of way for public street purposes from real property located on E. Shaw Avenue at the intersection of First Street in the City of Fresno: APN 427-310-01 which is located at the southeast corner of Shaw and First Street and is owned by Equilon Enterprises, LLC ; APNs 418-091-22 & 418-091-19 are adjacent parcels located at the northeast corner of Shaw and First Street and are owned by Friis-Hansen & Co., Limited Partnership. **(Requires 5 affirmative votes)**

Action Taken:

10:45 A.M. - 11:00 A.M. RECESS

11:00 A.M. Discussion and direction regarding the process and purchase of a time accounting software system – Councilmember Boyajian

2:00 P.M.#1 **CONTESTED CONSENT CALENDAR**

2:00 P.M.#2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL- DECIDING WHETHER TO INITIATE LITIGATION
Government Code Section 54956.9, subdivision (c)

1. **Case Name:** City of Fresno v. International Union of Operating Engineers, Stationary Engineers (Local 39)

Action Taken:

B. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiator(s): Jon Ruiz

Employee Organization(s):

1. International Union of Operating Engineers, Stationary Engineers (Local 39)

Action Taken:

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

1. **Property:** Parcels at 800 "M" Street and 808 "M" Street
Negotiating Parties: Andrew Souza and Daniel Hobbs; Ophelia Family Trust
Under Negotiation: Negotiation of price for acquisition and lease of property

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M.#2

CLOSED SESSION

D. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (a)

1. **Case Name:** City of Fresno v. Cherta Farms, Inc., et al., Fresno Superior Court Case No. 02CECG00191

Action Taken:

E. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (b)

Significant Exposure to Litigation: Claim of Theresa Zwirlein

Action Taken:

2:00 P.M.#3

CLOSED SESSION ANNOUNCEMENTS (IF ANY)

2:30 P.M.

HEARING to consider Rezone Application No. R-04-63, and environmental findings, filed by SKN Properties, pertaining to approximately 2.48 acres of property located at 5572 E. Inyo Street on the southwest corner of S. Clovis Avenue and E. Inyo Street – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-63/C-04-168, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A (Single Family Residential Agricultural) zone district to the C-2 (Community Shopping Center) zone district

Action Taken:

3:00 P.M.

Direct staff to meet with Fresno Unified School District (FUSD) to determine how the City can assist the District achieve its goal of being a California outstanding school district. - Councilmembers Calhoun and Perea

Action Taken:

3:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of February 1 and 8, 2005

Action Taken:

GENERAL ADMINISTRATION

- A. Consider approval for (1) seventh request by Civic Center Square, Inc./Tutelian Holdings, LLC, to amend Settlement Stipulation and Stipulated Judgment to extend the completion deadline date from April 30, 2005 to October 01, 2005 (approximately 110 working days), for construction of multi-story office building and parking structure on Parcel 7 within Civic Center Square Area (Tulare, between "N" and "O" Streets); and (2) authorize the City Manager or his designee, the Executive Director to take certain actions and to execute such documents approved as to form by the City Attorney including, without limitation, finalizing and executing any agreements and instruments that may be necessary to finalize or carry out the intents and purposes of the Agency Board and/or City Council and consistent with the Stipulated Judgment **(Council and Agency action)**

Action Taken:

- B. Set the salary range for the Executive Director of the RDA – RDA committee **(Agency action)**

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- C. **RESOLUTION** - Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions **(Council and Agency action)** – City Clerk's Office

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb. 22 - NO MEETING – PRESIDENT'S DAY

Mar.	1 -	8:30 A.M.	Presentation of Driver Appreciation Awards – Fresno Area Express
Mar.	1 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 79, Final Tract Map No. 5321
Mar.	1 -	10:30 A.M.	Presentation by Bakman Water Company – Council President Dages
Mar.	1 -	2:30 P.M.	Accept City of Fresno Comprehensive Annual Financial Report (CAFR) for FY 2004
Mar.	1 -	4:00 P.M.	Trimester Plans
Mar.	8 -	9:00 A.M.	Presentation by the Fresno County Transportation Authority Advocates Office on the education of Measure "C", 1986 through the present time – Public Works Dept.
Mar.	8 -	10:00 A.M.	(Title to be determined) – City Manager's Office
Mar.	8 -		Annual report on the Convention Center – Council President Dages
Mar.	15 -	10:00 A.M.	HEARING to consider the 2005 Weed Abatement Program – Planning & Dev.
Mar.	15 -	11:00 A.M.	WORKSHOP to consider implementation and use of traffic signal fees and implementation of new Community Facilities District (CFD) – Councilmember Dages
Mar.	15 -	2:30 P.M.	WORKSHOP on the Master Fee Schedule
Mar.	22 -		NO MEETING – EASTER WEEK
April	12 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
April	19 -	4:30 P.M.	CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises
April	26 -		NO MEETING – COUNCIL BREAK
May	3 -	10:00 A.M.	Presentation of Employee Service Awards (Reception immediately following – 2 nd floor foyer)

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004

WORKSHOP – Urban Forest